

Segregation - 1938

Alabama.

NEGRO RESIDENTS AROUSE GRAYMONT

Zoning Board Chairman To Hear Protests

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A group of these citizens, led by Dr. Emory Q. Hawk, professor of economics at Birmingham-Southern College, went to City Hall today to protest against what they termed the "encroachment" of Negroes in their neighborhood.

They specifically protested against the petition of Birmingham Trust & Savings Co., which owns much of the property there, seeking to have the part of Graymont from Second-av, n, to Second-av, w, and from 11th-st to the Bankhead Highway, zoned so that Negroes would be allowed to live there.

The Graymont section is at present zoned "white residential," which prohibits new Negro residents, but there are 13 Negro families living there who moved in before Graymont was given its current zoning status.

Birmingham, Ala. Post
March 5, 1938

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Birmingham, Ala. News
March 12, 1938

COMPROMISE AIM IN ZONING MIXUP

200 Graymont Citizens Meet

With Board To Bring About Settlement

Declaring that Negroes have been "encroaching" on the white residential zone of Graymont for a long time, more than 200 citizens of the community met with John H. Adams, chairman of the City Zoning Board of Adjustments, at the Graymont School Friday night seeking a compromise relative to the alleged violation of the white zone.

A committee headed by Anthony Constans, professor at Birmingham-Southern College, and composed of Sam L. Chesnut and John Gould, demanded the board rezone the Negro section, and disregard a petition said to have been signed by 85 per cent of the property owners asking that approximately 20 blocks in Graymont be zoned to allow Negroes to move in.

Mr. Adams said Saturday he will bring the matter before the other two members of the zoning board, Robert L. Pollard, and Thomas N. Beach, either in a special conference or at the board's regular meeting Friday.

Dr. E. Q. Hawk, president of the Graymont Civic Association and professor of economics at Birmingham-Southern, asserted if the board refuses to act on the matter, the citizens will take it up with the City Commission.

Adams said the increasing Negro population in that section made it necessary to increase the Negro residential zone. He said the petition tendered by property owners was not a petition by real estate agents, as was believed by some of the citizens.

He declined to make a further statement until he had conferred with other members of the board.

Birmingham, Ala. News
May 24, 1938

PROTEST ZONING CHANGE

Action Affects Dividing Line Between White, Negro Sections
Petitions bearing about 200 signatures protesting against any change in the zone lines between white and Negro sections in Graymont were received by the City Commission today.

They were referred to the Board of Adjustment.

The board has recommended a change zoning property north of Eleventh Court Alley, from Second Street to Second Street, West, and south of the Bankhead Highway, for Negro occupancy. This change has not yet been passed upon by the City Commission. The present boundary follows a zigzag line and has been the subject of several hearings before the Board of Adjustment.

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California

LOS ANGELES, March 25—Residential discrimination became a prime issue here last week with an announcement by the local branch of the National Association for the Advancement of Colored People that it planned a campaign to tear down restrictive covenants.

The action of the local branch of the N.A.A.C.P. came as the close of a meeting Sunday at Hamilton Methodist Episcopal church at which several persons spoke indignantly against the effort to keep members of the Race out of certain neighborhoods.

Pair Driven From Home

Recent interest in residential segregation grew out of the case of Mr. and Mrs. John Burns who were driven from their home in a white neighborhood because of their color.

In announcing the plan to take definite steps toward putting an end to such discriminatory actions, the association stated that "This is not the fight of Mr. and Mrs. John Burns alone, but the fight of every American citizen, Negro or white, for democracy."

Similar campaigns are being waged at present in Chicago, Newark, N.J., and Stamford, Conn. In each of the other three cases, members of the Race have been restrained from occupying homes they have purchased in white neighborhoods.

AL JOLSON
ASKS THAT
NEGRO BE
EXCLUDED

Pacific Coast Citizens Indignant Over Petition Which Seeks Residential Ban On Race.

LOS ANGELES, Cal. April 7—The race residents of the famous Gold Coast are ablaze with indignation at the duplicity and traitorous action

of black-face, Jewish comedian Al Jolson and other film players whose names were foremost on a petition signed by property owners in San Fernando Valley to bar all persons not of the Caucasian race from residence in that area.

The petition was first presented December 14 last. It was recently replaced before the City Council and rejected lock, stock and barrel. In effect, it classifies Negroes, cows, goats and all farm animals in the same undesirable group.

Jolson Would Bar Self

It has been learned that many of the pure-blooded Nordics are turning thumbs down on Jolson's action in the matter since he is of a race that is not accepted as being purely white or Caucasian.

Jolson, according to information has been carrying on an underground restriction fight for several months, but was unable to get any support from city officials. He cited the "grave danger" of property values depreciating due to the expiration of a deed covenant.

Action Unconstitutional

In turning down the petition, the council made the desires of Jolson, Francis X. Bushman and others involved very clear. They pointed out that such an enactment by a municipal government body seeking to give a subdivision deed the added enforcement power of the police, where race restrictions were the benefits sought was a violation of the United States Constitution. Fourteen of the fifteen city councilmen were present when the vote was taken. The negative vote on the petition was unanimous.

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Connecticut.

Cellar of New Home Recently Purchased By Dr. H. Anthony Bell In Exclusive Section Flooded; Whites Say Property Values Will Fall.

GREENWICH, Conn., March 3—Property owners and residents of the exclusive garden community section of this town, noted for its millionaires, are taking steps to prevent Dr. H. Anthony Bell, dentist, from occupying a home which he recently purchased in the Garden Community.

Dr. Bell, well known dentist from Stamford, bought the house three weeks ago. As soon as the fact became known, residents hastily formed the Greenwich Garden Community Association for the avowed purpose of preventing Dr. Bell from taking occupancy.

Last Friday night, some one entered the Bell house and mischievously flooded the dwelling. The damage was estimated at \$500. As a means of preventing the doctor from establishing his residence, neighbors have instituted a boycott against any of the tradesmen who sell merchandise to him. As a result, Dr. Bell will be forced to import his supplies from other towns.

Lee Andrews, leading real estate man who is serving as temporary chairman of the association, declared Monday that "the question is not a racial one, but purely an economic one." He declared that property prices will come down, and stated that several sales already have been lost since it became known Dr. Bell had purchased property there.

**Dr. H. A. Bell
Told To 'Get
Out' Section**

GREENWICH, Conn., Mar. 4—Property owners and residents of the exclusive Garden Community section of this town, noted for its millionaires, were taking steps Monday to prevent Dr. H. Anthony Bell, Race dentist, from occupying a home which he recently purchased.

Dr. Bell, well known dentist from Stamford, bought the house three weeks ago. As soon as the fact became known, residents hastily formed the Greenwich Garden Community association for the avowed purpose of preventing Dr. Bell from taking occupancy.

COURT ORDERS FORECLOSURE TO FORCE DOCTOR FROM HOME

Connecticut Physician Is Victim of "Squeeze Play" As White Neighbors Harry Him and Judge Clamps Down—Says He Will Escape Foreclosure Trap.

STAMFORD, Conn., March 17—Foreclosure of a mortgage on a home situated in an exclusive section of Greenwich and owned by Dr. H. Anthony Bell, local Negro dentist, was granted by Judge Edward J. Quinlan, in Superior court, Bridgeport, Saturday morning.

Since Dr. Bell announced his intention of occupying the house with his family, the neighboring residents have been instrumental in producing a number of incidents to show Dr. Bell that they did not want a Negro to make his home in the section. Vandals have broken into the house and flooded the home, broken windows and recently a workman was arrested for parking on the wrong side of the street while making repairs.

Saturday's foreclosure action was brought by Lomas and Nettleton, a real estate firm, and the Canaan Savings Bank. The foreclosure was brought against Michael De Leo, in whose name the mortgage was granted, and who sold the property to Dr. Bell.

The amount was \$5,000, and De Leo was given until August 9 next, for redemption.

Dr. Bell stated at his office that the foreclosure was no surprise to him. He will have the mortgage placed somewhere else before the law day expires.

DENTIST LOSES DWELLING

Violence, Vandalism, Window Smashing Are

Climaxed with Mortgage Foreclosure

STAMFORD, Conn. — A victory for white property owners who had fought to bar Dr. H. Anthony Bell, local dentist, from occupying his unbattled home located in an exclusive section of Greenwich was announced on Monday when a foreclosure of a mortgage on his property was granted in superior court,

Bridgeport, by Judge Edward J. Quinlan.

Since the dentist announced his intention of occupying with his family his home vandals have broken into the structure and flooded the house, windows have been smashed and recently a workman was arrested for parking on the wrong side of the street while making repairs at the home.

Mortgage Was \$5,000

Monday's foreclosure action was brought about by Lomas and

Nettleton, real estate firm, and the Canaan Savings Bank against Michael De Leo in whose name the mortgage was granted and who sold the property to Dr. Bell. The amount was \$5,000 and De Leo was given until August 9 for redemption.

Dr. Bell said following the transaction that the foreclosure was no surprise to him. He says he will have the mortgage placed elsewhere before the time limit expires.

Offers have been made to purchase the property from Dr. Bell but the dentist has declined. "I am a professional man, not a real estate racketeer. I bought this home for my family. I don't go around buying property to sell the next day." He is a graduate of the University of Southern California.

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D.C.

Court to Decide What and Who Is a "Negro"

Housing Covenant
Defendant Says
He Is Indian

WASHINGTON

The oft-debated question, "Who is a Negro?" will be legally decided in the District Supreme Court this week when Justice Peyton Gordon hands down the decision in the widely publicized Proctor covenant case.

The case involves six white property owners living in the 400 block of Irving Street, Northwest, who are suing to restrain Philip S. Proctor and his Italian-born wife from occupying their recently purchased home at 426 Irving Street on the grounds that Proctor is a Negro.

It was submitted to the court late last week after arguments by attorneys for both sides.

Site Covenant

The suit was filed by Archibald B. Williams, B. E. Williams, Clark and Mae E. Clark, all of the 400 block Irving Street and Elisha P. Taylor, 1763 Columbia Road, Northwest, all white, who contend property in the 400 block Irving Street has a restricted covenant barring Negroes or persons of colored blood from purchasing or living in the neighborhood.

The white residents, represented by Henry Gilligan, white, former member of the board of education, say the covenant was drawn in 1925 and scheduled to run for twenty-five years.

Besides Proctor and his wife, who are represented by Henry Lincoln Johnson, Jr., the residents named Walter and Mariam Miller, white, 718 Fifth Street, Northwest, from whom the Proctors purchased the home as defendants in the suit.

Wife Italian

There is little question about the racial identity of Mrs. Proctor, a white woman, reportedly of Italian birth, and the restrictive covenant therefore does not apply to her. Consequently, the issue centers around whether or not her husband can occupy the premises without violating the prohibitive clause.

At the opening of the trial, Johnson declared his client was not a Negro nor of colored parentage. Proctor is employed in the Internal Revenue Department and asserts he is an American Indian.

In addition, Johnson pointed out that Proctor has a right to purchase and live in the house under his constitutional privileges.

Children Involved

Gilligan, whose evidence that Proctor's children attended colored schools in the city, was overruled by the court on the grounds that frequently colored persons matriculated at white institutions and vice versa.

The court also contended that often the two races attend the same theatres and other public places.

Gilligan further sought to substantiate the charges by introducing testimony through Edward R. Dean, white, custodian of records for drivers at the traffic bureau, that Proctor signed his application for renewal of his driving permit as colored.

Demands Original

The testimony was overruled, however, when Justice Gordon demanded the original application which was signed under a sworn oath.

In conclusion, Gilligan sought to establish Proctor as a Negro by the fact that he lived in a mixed community some time ago.

According to a representative of the title company, Proctor said that he was an Indian but his great grandmother had some colored blood.

May Get Precedent

The case has attracted considerable attention in local legal circles because the decision will, in all probability, establish a precedent for future covenant suits.

It is the first such suit to be argued on the grounds of not be-

ing a Negro. Other covenant cases here have been fought on the Fourteenth Amendment—with the defendants admitting they are Negroes.

Make Second Attempt To Oust Race Washingtonians

Say "Covenant"
Kept Section For
"Whites Only"

(Special to Journal and Guide)

WASHINGTON, D. C.—A second suit to oust Philip S. and Mary Emma Proctor from property at 426 Irving Street, northwest, was filed in the United States District Court last Friday.

An injunction was sought several months ago to compel the Proctors to vacate this property, but the court refused to grant it on the ground that a restrictive covenant running with the land in this neighborhood was void as to this particular piece of property because of a flaw in the chain of title.

This suit is brought on a second covenant, which the plaintiffs elected to abandon in the previous suit.

OTHER DEFENDANTS

Besides the Proctors, Walter and Miriam Miller, white, of 941 Shepherd St., northwest, who conveyed the property to them, are defendants.

The plaintiffs are property owners on both sides of the Proctors' property. The are Archibald and Sarah M. Williams, of 422 Irving St., northwest; Elisha P. Taylor of 1763 Columbia Road, northwest, who owns 424 Irving St., northwest, and Mrs. Mary A. Brittain, of 418 Irving St., northwest.

The Proctors' property is on the south side of the street. It was conveyed to them by the Millers on August 24, last, "subject to the covenant of record."

The covenant running with the land, which is the basis of the present suit, provides that the property shall not be rented, leased, sold, transferred, or conveyed to any colored person.

WIFE COLORED?

The plaintiffs allege in their petition that Proctor is a colored person. They say they believe his wife is also colored.

Unable To Prove
That Defendant's
Wife Is Colored

Henry Lincoln Johnson, attorney for the Proctors, raised as a defense in the other suit the question of Mrs. Proctor's racial identity and Justice Peyton Gordon, who decided the case, found as a matter of fact that she is not colored.

The plaintiffs also state that on September 24 their attorneys, Henry Gilligan, former school board member, and James A. Crooks, visited Mr. Proctor and notified him of the restrictions on the property. They claim that the conveyance to the Proctors is null and void and unless their occupancy of the property is enjoined it will be depreciative of real estate values in that immediate vicinity.

They ask the court to compel the defendants to abide by the provisions of the restrictive covenant and to compel the Proctors to vacate the property.

HE MOVED ON WRONG SIDE OF THE ROAD

So White D. C. Residents See
Court Order to Force Henry
Brown to Move.

WASHINGTON, Oct. 20—

An order restraining Henry Brown from occupying the premises at 419 Columbia road northwest, said to be covered by a restrictive covenant, is sought in a suit filed in the United States District Court last Friday. The plaintiffs are: Mr. and Mrs. Charles W. Fitter, 403 Columbia road northwest; Mr. and Mrs. Charles E. Currier, 3012 Park place northwest, and Mr. and Mrs. Henry F. Clark.

David Cohen, 34 P street northwest, who is said to have rented the property to Brown, is also made a defendant.

SEEK TO ENFORCE COVENANT OF 1925

According to the petition, on October 30, 1925, a covenant was put on the property in the block bounded by the south side of Irving street, the west side of Park place, the north side of Columbia road, and the east side of Warde street, northwest.

This covenant is alleged to provide that the property covered by it "shall never be used or occupied by, or sold, conveyed, leased, rented or given" to any colored person.

When the plaintiffs learned Brown had rented the Columbia road premises on September 28 they sent him and Cohen a notice of the restrictive covenant and advised them that Brown's occupancy was a violation of the agreement.

They ask the court to restrain Brown from occupying the premises and to direct him to remove himself and his household effects from the property.

They also ask that Cohen be enjoined from selling, leasing, renting, conveying or giving the property to any colored person.

Shattered Windows Warn Pair to Vacate New Home

WASHINGTON.

Angered because Mr. and Mrs. John P. Davis moved into an all-white block at 1741 N. Capitol Street, Northwest, unidentified hoodlums hurled bricks through their window, warning them to vacate, while they were entertaining guests, Sunday.

One brickbat contained a message written in longhand which read:

"You Have One More Week to Get Out,

"THE SHADOW."

While his guests were thrown into a panic from the shattering of glass which did them no bodily harm, Mr. Davis, who is employed in the maintenance department at Howard University, called the police. An investigation of the neighborhood failed to locate the culprits.

Requested to Leave

Prior to this happening it is alleged that two young white men, stating that they were representatives from the North Capitol Citizens' Association, called in person at the residence a week ago, and requested that the occupants move from the neighborhood.

However, a check-up at reliable sources did not connect this association with the incident.

It was further learned through Leo Haines, white attorney, agent for the Davis residence, that the civic body was fully aware of the entrance of colored residents into the neighborhood and had raised no objection.

Guests who were visiting the Davises at the time of the happening were: Misses Menyon Bolden of Halls Hill, Va.; Lucille Gordon, Columbus, Ohio; and Rhonda Gillam.

**Try To Bar
Race Man From
D. C. House**

Whites Object To Sharing House With Henry Brown

(Special to Journal and Guide)

WASHINGTON, D. C.—An order restraining a colored citizen Henry Brown, from occupying the premises at 419 Columbia Road, N. W., said to be covered by a restrictive covenant, is sought in a suit filed in the United States District Court last Friday.

The plaintiffs, all white, are Mr. and Mrs. Charles W. Fritter, 403 Columbia Road, N. W.; Mr. and Mrs. Charles E. Currier, 3012 Park Place, N. W., and Mr. and Mrs. Henry F. Clark.

David Cohen, 34 P Street, N. W., who is said to have rented the property to Brown, is also made a defendant.

COVENANT ON PROPERTY

According to the petition, on October 30, 1925, a covenant was put on the property in the block bounded by the south side of Irving St., the west side of Park Place, the north side of Columbia Road, and the east side of Warder St., N.W.

This covenant is alleged to provide that the property covered by it "shall never be used or occupied by, or sold, conveyed, leased, rented or given" to any colored person.

When the plaintiffs learned Brown had rented the Columbia Road premises on September 28, they sent him and Cohen a notice of the restrictive covenant and advised them that Brown's occupancy was a violation of the agreement.

ASKED TO MOVE

They ask the court to restrain Brown from occupying the premises and to direct him to remove himself and his household effects from the property.

They also ask that Cohen be enjoined from selling, leasing, renting, conveying or giving the property to any colored person.

It is understood that one of the defenses to be asserted is that the character of this neighborhood has changed.

Henry Gilligan and James A. Crooks, attorneys, represent the plaintiffs.

St. Petersburg, Fla., Times
August 3, 1938

COUNCIL DEFERS ACTION ON NEGRO ZONING MEASURE

Ordinance Bitterly Fought at Hearing

By EDWARD STEVENS

Pressed by an avalanche of protests, City Council yesterday voted to defer action on an ordinance which aims to set up a rigid fire zone in practically all the City's negro sections.

The ordinance is one of two designed to "improve the conditions of negro housing," according to Councilman William Oliver Hewitt, its sponsor.

At the end of nearly three hours of heated discussion, Councilman Hewitt moved that action be deferred one week to "iron out the kinks" in the measure, as he put it.

Approximately 25 protestors, headed by Attorney L. P. Hardee, had the floor for nearly two hours, while Col. Hugh J. B. McElgin consumed another hour in telling Councilmen why the ordinance should be passed. McElgin was the only one to urge passage.

Heated Exchanges Occur

The arguments became extremely heated at several points. Once, Herbert T. Davis, a former City Finance Director and large owner of vacant property on Sixteenth Street South, said the ordinance would force him to utilize his lots for grade A negro residences.

McElgin, slamming his fists on a table, shouted that such action would brand Davis as a "traitor to the City of St. Petersburg." McElgin, it was revealed, owns considerable property on Sixteenth Street South.

At another point, Councilman Hewitt and Vice-Mayor C. J. Maurer had a verbal tilt when Maurer ruled Hewitt out of order as he attempted to talk after Councilman George W. Hopkins had the floor. Hopkins had risen to suggest that action on the ordinance be deferred. At McElgin's suggestion, Hewitt yielded and a

few seconds later made the motion suggested by Hopkins.

Ordinance Denounced

The ordinance, which would limit building areas in the negro districts, make possible wide-spread demolition of existing structures and limit dwellings to semi-fireproof construction, was branded by opponents as "discriminatory," "flagrant use of discretion," "attempt to legislate negro properties out of existence," "unfair, unjust and unconstitutional."

McElgin termed the measure as a means by which the City can rid itself of "cancerous growths." He declared there is an "imperative necessity for the passage of this ordinance."

Hewitt hailed it as "an unashamed effort to promote the general welfare, convenience and health of the public and to prevent the cancerous growth of slums within the heart of the City."

Fears Exodus From Areas

Attorney Hardee, "lead-off" man for the opposition, declared the ordinance will drive the negroes out of every district which it covers.

"Where will these people go?" he queried.

Property owners, he said, had known these districts as negro areas for years. They had been developed as such, with City sanction, he declared.

The type of buildings required under the ordinance, Hardee asserted, would be such as negroes could not occupy because of their small income. He said no provision was made for construction of apartments, duplex houses or business buildings within the district. Owners of the properties, he declared, were entitled to a reasonable income on their investments. Many of the lots, according to Hardee, are too small to comply with the 4,000 square foot area provision of the ordinance and would therefore become a tax loss to the City.

No Repair Provision

Hardee also criticized the demolition provisions of the measure, declaring that it positively would forbid the repair of structures damaged by the elements or otherwise to the extent of 50 per cent of the original value. It would be necessary to demolish them completely, he asserted, as there is no provision for repairs

being made or other alternative.

"There is no provision like this through the condemnation process in any other section of the City," Hardee declared in branding the measure a means of "confiscation of private property without due process of law or compensation." He asserted that the proposed act was directed entirely to the negro areas and aimed to destroy them.

Charles Robinson, a local attorney, in declaring that he represented no group, said the ordinance aimed to "push the negroes out with no place to go."

Robinson said he was familiar with negro rentals and asserted the low income barely paid taxes and interest on investments in most cases. He said there are 11,000 local negroes to be considered and asserted the ordinance was discriminating against them.

Other Protests Heard

Several other speakers voiced practically the same sentiments.

In a letter to the Council, John C. Blocker, local attorney, condemned the ordinance on four grounds:

"1. This ordinance if enacted, in my opinion, would constitute the taking of my property without due process of law.

"2. The ordinance is arbitrary and a flagrant abuse of discretion attempted to be exercised under the cloak of police power.

"3. City attempting to legislate the colored districts and properties used for the housing of negroes out of existence.

"4. Ordinance, if enacted, will be a denial of this writer and others similarly situated of the equal protection of the law in that same discriminates."

In another letter Mrs. Margaret Blocker Bartlett termed the ordinance, "unfair, unjust and unconstitutional."

McElgin Defends Plan

McElgin claimed provisions of the ordinance are the same as exist in the present Building Code and Fire Zoning Ordinances.

He said he deplored conditions now existing in negro areas and declared that a majority of the houses are unsanitary and about to tumble down. The City is large enough to house the negro population away from the center of population, he asserted. Hewitt, in summing up for himself and McElgin, said the ordinance is designed to keep the present slums from "shifting." He declared there would be no ef-

fect on existing houses except in cases where dwellings are 50 per cent deteriorated.

Hewitt called on Emil Nordstrom, Executive Director of the Housing Authority, and asked him if passage of the ordinance would in anywise interfere with negro housing plans of the Authority. Nordstrom declared:

"This ordinance is a matter of policy. I cannot express an opinion for the Authority. It should come before them."

"City's Fate at Stake"

After his verbal tilt with Davis on the threat of constructing grade A negro houses on Sixteenth Street South, McElgin declared:

"The fate of the City hinges on these damnable districts. It will live or die in accordance with the decision it makes."

RESIDENTIAL SEGREGATION:

EVIDENCE THAT residential segregation against Negroes is on the increase may be noted by several recent cases in New York, New Jersey and Connecticut. Despite the fact that the Empire State has a Civil Rights Law, property-owners in Westchester County were successful last year in preventing Joshua Cockburn from occupying a home he had purchased in an exclusive residential section.

Last week, Charles W. Johnson, a youthful Negro dentist in New Jersey, was ordered to vacate the home he had occupied in Orange, N. J. for nearly a year, by court order which charged that the home was purchased through fraud after white neighbors had complained. And in Greenwich, Conn. property-owners are taking legal steps to prevent Dr. H. Anthony Bell, also a dentist, from occupying a home which he recently purchased in the exclusive Garden Community of that city.

This move to spread segregation into the North and East is one of the most insidious efforts in recent years to proscribe and restrict the Negro. Where it was formerly done by threats and intimidation by such organizations as the Ku Klux Klan, it is now being written into the law of the land through the machinations of a prejudiced judiciary.

The individuals concerned in the cases cited above and other residents of their neighborhoods should realize that they must fight these decisions to the United States Supreme Court, if necessary, for unless they put a stop to this segregation they will find themselves restricted to smaller and smaller areas until their neighborhoods become so crowded they will resemble the ghettos and slums from which we have been trying to get away.

Negroes everywhere should concern themselves with this problem and support financially and morally any steps to give them the right to live wherever they are able, regardless of race or creed. Residential segregation is un-American, undemocratic and should not be tolerated by fair-minded citizens.

Let's unite to stamp it out of this section of the U. S. where it is becoming more and more prevalent.

Dead Hands In Control

The only way the courts arrive at the decision to uphold contracts that restrict property against the ownership and occupancy by Negroes is to disregard the effects of time. They let dead hands rule!

Restriction based upon race or color is a direct violation of the letter and spirit of the Constitution as it was revised following the Civil war. Since up to this time there has been no change in the amendments passed to put Negroes upon an equality with other citizens in the United States, the courts are duty bound to interpret the law that contracts so as to maintain that equality.

Not until the nineteenth amendment passed in 1920 were the sexes on an equality in voting. To this very day the law does not give citizens under 21 all the rights and privileges of those above that age. Nor does it give those without property equal public responsibilities. But limitation based upon race and color has been forbidden for 70 years. Clearly the courts which honor property restrictions against Negroes are in disagreement with the Constitution, as well as out of step with human experience.

The ancient Medes and Persians prided themselves on their unchanging laws, and failed! In most other relations the people of the United States admit changes are due to be made to keep abreast of the times, but somehow or other they treat the Negro as they did in ante-bellum days. Yet no element of the American people has changed more. The American people are cosmopolitan and kind toward the many peoples of earth but narrow-minded to the one group they know best. This prejudiced public opinion is the court's real reason for upholding restrictions.

Whenever some want to sell, blind enforcement of the contract does not restore the unanimity which once made the neighborhood act as a unit. That fact should warn the courts against following the letter of the agreement. Extra insistence upon technicalities cannot and does not restore conditions to what they once were.

The one fact that Negroes are increasing should warn the courts against putting restrictions on neighborhoods. They would see the facts if their blind legalism did not make them ignore what is right before their eyes. For individuals to put their wishes before the public interest is the expected thing. But sworn public officials should have an entirely different attitude. All history teaches the danger of dead hands in control.

More Snubs

IT IS INDEED a sad fact that the Metropolitan Life Insurance Company plans to construct the largest housing project ever built in this country, partly with money paid into it by Negroes who, it is understood, will be barred from living in the houses. Negroes pay some \$50,000,000 every year into the company and part of this amount is bound to be used to build the houses. What makes this venture into housing by the Metropolitan so regrettable in so far as Negroes are concerned is the fact that they need housing relief more than any other group in the country, yet their hard-earned cash will help to relieve others.

However, no one could reasonably expect the insurance company to permit Negroes to live in the houses when they are completed, because the Metropolitan has always discriminated against Negroes even in collecting insurance premiums from Negroes. We were told by an official of the company that it did not hire Negroes as agents or in any other capacity other than as porters and elevator operators.

Yet, millions of Negroes pay tens of millions of dollars into it every year, so that it can build huge housing projects for its white policyholders only. As long as this kind of economic practice continues, the race has little or no chance of getting anywhere. It is high time that we buy where we can work and where we can get some of the benefits of so-called mutual organizations like the Metropolitan. In fact, this company won't even sell Negroes all kinds of life insurance, in spite of the fact that it collects more money from Negroes than all of the Negro companies combined!

Let what the Metropolitan is doing to the race now be a lesson. But let us profit by it. And the only way we can profit by it is to take our business elsewhere. There are sound and efficiently managed Negro life insurance companies in the United

States. Some of them more than meet with the strict requirements of such states as New York, Ohio, Pennsylvania, Illinois and others. They belong to the race, and whatever good they can do will be done for the race. The sooner we stop fattening those who keep us lean and deal with those who must deal with us, the better off we shall be.

Chicago U's New Student Group To Fight School's Jim-Crow Aid

CHICAGO, Mar. 3—(ANP)—A Student Race Relations committee formed to fight against Negro residential restrictions and University of Chicago aid to organizations promoting them, was granted official recognition last week by the university.

The committee was started by the American Students' union and will enlist campus organizations and individuals in its fight. It is to publish a pamphlet picturing the desperate housing conditions on the Southside and the role which restrictions have played in crowding the expanding colored population into a limited area. Prof. Louis Wirth, noted university sociologist, will sponsor the organization.

**RULING IS
A SHOCK TO
ATTORNEYS**

**Former N.A.A.C.P. Branch
Secretary Ordered
To Move**

CHICAGO. — (ANP) — Restrictive covenants between white property-holders to keep Negroes out of given residential districts received official approval Friday when Judge Bristow upheld the ban against C. A. Hansberry, former N.A.A.C.P. branch secretary, and other Negroes who moved into the Washington Park subdivision on the edge of the colored district. Because Judge Bristow had upheld all the points raised by attorneys representing the Hansberry group, the court's ruling came as a shock. It was announced immediately after a hearing that an appeal will be taken.

Trouble began a year ago when Hansberry, President Harry H. Pace of the Supreme Liberty Life Insurance company, and others bought and moved into a white section on the edge of the overcrowded Southside colored district.

The Woodlawn Property Owners' association immediately protested, pointing to a written covenant barring the sale of property in that section to Negroes. An injunction

was obtained ordering the newcomers to move out and rent the premises to whites. The case has hung fire since then.

At the hearing Friday, Judge Bristow based his ruling on that handed down in a similar case in which the court upheld that the proceedings seemed to be dummy in character and fraudulent in nature but nevertheless were binding.

Judge Bristow's opinion indicated that although the restrictive covenant against Negroes was not a valid agreement in that not enough property owners had signed it, it still must be enforced. Representing Mr. Hansberry and the other defendants were Attorneys Earl B. Dickerson, C. Francis Stradford, Truman K. Gibson Jr., Irvin Mollison, Loring B. Moore and Arthur A. Gaffe.

CHICAGO. — (ANP) — In the wake of last week's adverse court decision, which, pending appeal, prevents a colored Chicagoan C. A. Hansberry from occupying a home he has purchased near Sixtieth and South Parkway, another suit has been filed in Circuit Court to test the validity of property owners' agreement to bar Negroes from certain Southside districts. The petition, filed last Saturday by Atty. Charles A. Churan, white, claims that 800 white property owners of the Englewood district, in the area bounded by 63rd and 71st streets, Halsted street and Racine avenue, made the Jim Crow agreement in 1929, and that it was to run until January 1, 1950, unless 60 per cent of the signers agreed to abrogate it.

The suit names Mrs. May Rice Jenkins, white, who is alleged to have rented a cottage at 6617 South Aberdeen street to a colored family. The white complainants, Herman Slagter and Ludwig Nelson, contend that their property will depreciate in value if the agreement is not enforced.

Chicago Has Third Suit for J.C. Homes

CHICAGO (ANP) — Another suit based on a restrictive covenant between white property owners seeking to keep colored people from residing in their districts was filed in Superior Court Friday, by Monroe K. Binkley and white, owner of real estate in a neighborhood to which three colored people recently moved.

The defendants are Sheldor Kuhns and his wife, Irene, both white, owners of a house to which John T. Fox, his wife, Blanche and a roomer, John Phelps, recently moved. This is the third suit of this nature pending in local courts.

Colored Receiver Replaced by White

CHICAGO, Oct. 19 (ANP)—Judge Charles A. Williams last week granted a change of receivership for the Carl A. Hansberry property located at 6140 Rhodes avenue in what has been termed a "white" neighborhood, removing Edward H. Carry, well-known real estate broker and replacing him with Frank J. O'Brien, white, vice president of Kee and Poague realtors.

The order voiding Mr. Carry's receivership denies the new receiver the right to rent the premises to Negroes. It was sought by Edward L. Govanus and Esther Govanus, white, who were plaintiffs in the recent restrictive covenant case known as Lee vs. Hansberry.

Besides law suits, the Hansberrys have been threatened and caused much embarrassment by displeased white neighbors since they purchased the Rhodes avenue property.

Atty. Earl B. Dickerson, legal representative of the Hansberrys announced Thursday that he had drawn up a petition for change of venue on the grounds that Judge Williams has shown bias in his treatment of the case.

Oust Colored Receiver in the Hansberry Case

Judge Charles A. Williams, last week, granted a change of receivership for the Carl A. Hansberry property located at 6140 Rhodes avenue in what has been termed a "white" neighborhood, removing Edward H. Carry, well-known real estate broker and replacing him with Frank J. O'Brien, white, vice president of Kee and Poague realtors.

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Besides law suits, the Hansberrys have been threatened and caused much embarrassment by displeased white neighbors since they purchased the Rhodes avenue property. Atty. Earl B. Dickerson

Whites Lose Fight to Bar from Home Court Rules that Man Is Colored; Calls Pact Void

WASHINGTON
Although deciding Philip S. Proctor, co-defendant in the Irving Street covenant case, was a "Negro," Justice Peyton Gordon of the U.S. District Court on Monday dismissed the bill of complaint filed by six white property owners seeking to oust Proctor and his Italian-born wife from their recently purchased home at 726 Irving Street, Northwest.

Admission by Proctor that his great-grandmother had Negro blood was sufficient legal evidence for the court to conclude the defendant was a Negro.

Covenant Void

However, the court upheld the contention of his attorney that the execution of the restrictive covenant by prior owners was void and hence did not attach to the property when purchased by the Proctors.

The widely-publicized case involves six white property owners on the south side of the 400 block of Irving Street, between Park Place and Warder Street Northwest.

They sought to restrain the Proctors from occupying the premises at No. 426 on the grounds that a covenant, allegedly made on October 20, 1925, to run for twenty-one years, prohibited persons of colored blood from purchasing or living in the

neighborhood.

Besides Proctor and his wife, Mrs. Mary Emma Proctor, the plaintiffs named Walter and Mariam Miller, white, prior owners of the house, as defendants. Proctor purchased the property last August.

Property Resold

They contended, through their counsel, Henry Gilligan, white, former member of the District board of education, that the property, originally owned by Frank J. Murphy and wife, was sold to the Millers and later resold to the Proctors "subject to the covenants of record."

In answer, the defendants, through Johnson, averred in substance that the Proctors were not persons of Negro blood, and that the covenant was against public policy of the U.S., and in effect a "conspiracy condemned by the U.S. code."

Denied Color

Justice Gordon had the following to say with reference to Proctor's race:

"It was in evidence that a number of persons in the neighborhood called upon him, and that he stated to them that he was not a colored man, but that his mother had told him that his great-grandmother had colored blood in her. Proctor claims he is an Indian. I conclude from the evidence that Proctor is a man of Negro blood."

Wife Not Colored

His wife is not a person of Negro blood, he added.

Joint Owners

Evidence showed that Murphy and his wife were joint owners of the property, but that the covenant was signed only by Mr. Murphy.

The defense contended that since only one of the "tenants of entirety" executed the covenant, it was void and hence did not attach to subsequent deed holders. The plaintiffs charged that Murphy's sole execution was valid and efficacious as an exercise of a husband's common-law right over the property of his wife.

The court upheld the contention of the defendant, asserting that the execution of the restrictive covenant by prior owners by only one of the tenants of entirety was void and hence the covenant did not attach to this

property and Miller and the Proctors took the property free from the covenant.

Plaintiffs in the suit were Archibald B. Williams, B. F. and Ruth Williams, Henry F. Clark, and Mae E. Clark, all of the 400 block of Irving Street, and Elisha P. Taylor, 1763 Columbia Road. Northwest. all whi'

Segregation - 1938

Michigan.

House Bombed in Detroit; 5 Hurt

DETROIT. Enraged citizens have demanded a thorough police investigation of the bombing, Tuesday, of a vacant apartment house, sublet to a colored family, causing injuries to five persons in the vicinity as the building was literally blown to pieces.

Some newspapers say children playing with matches ignited escaping gas and caused the explosion. However, persons in the vicinity contend the home was bombed, saying they smelled gun powder in the air after the explosion.

File

SEGREGATION-1938 (Missouri)

Segregation-1938

LAWYER ORDERED TO MOVE.

By Isabel M. Thompson
Staff Correspondent

KANSAS CITY, March 17- Carl R. Johnson, prominent Kansas City Lawyer, and his wife Mrs. Johnson, have been ordered to move from their home, by a ruling of the Kansas City Court of Appeals, handed down March 7.

When interviewed, Johnson gave this brief review of the case:

On October, 1935, he moved to the residence at 2602 Tracy, purchased after at least six white families in the block had urged him to live there. Two or three months passed, and agitation was begun by whites living at the far end of the block. Feeling had been so aroused that suit was filed by these neighbors in December, 1935. They stated that Johnson was violating a restriction made in 1921 to extend over a period of fifteen years.

RESTRICTION HELD VOID.

In the fall of 1936, the circuit court held that Johnson correct in his contention that the restriction was now void, because a majority of the whites had signed their permission and the neighborhood had changed. Although a new trial was denied the objecting whites, they persisted and filed suit in the court of appeals, December, 1937, with the reversal of decision, March 7, 1938. As a result, Mr. and Mrs. Johnson are enjoined from living at their residence and cannot lease or sell to Negroes before 1951.

Johnson, who filed a motion for a rehearing, March 14, says that in the event of an over-ruling, he will appeal to the Missouri Supreme Court. He also stated that, at a mass meeting last spring, 300 whites met and subscribed \$1,800 to the support of this campaign to evict Negroes and prevent their moving into certain neighborhoods.

Coming here from New York City, Johnson, prominent in fraternal and social circles has practiced law in Kansas City for fifteen years.

Four other Negro home-owners affected by this case are: the Rev. R.J. Jordan, pastor of St. Stephen's Baptist Church; George Curry, Louis Gregory, and James Pryor.

Courier
March 19, 1938
Pittsburgh, Pa.

Missouri.

St. Louis Whites Protest Teacher's Purchase of Lot

Up the American
ST. LOUIS, (ANP). — Angered because Miss Grace M. Gordon, teacher at Dunbar School, had purchased a 40-foot lot in the 4200 block of San Francisco Avenue, 200 whites met Wednesday to form a committee of the O'Fallon Park Protective Association and discuss means of ousting her.

Although two colored families are residing in their own homes on the same block, representatives of the protective association said Miss Gordon's lot was "the only one in the neighborhood not now restricted against colored ownership."

WANTS JIM-CROW PROPERTY BAN IN ST. LOUIS LIFTED

Pittsburgh Courier
ST. LOUIS, Mo., Aug. 19 (AP)—James T. Bush, colored real estate dealer here, this week urged a survey of Negro housing by the St. Louis Real Estate Exchange and the lifting of Jim-crow restrictions which prevent white members of the Exchange for selling or renting property to Negroes in certain sections of the city.

Bush, in a letter to E. L. Kuhns, president-elect of the Exchange, referred to that body's recent referendum in which members voted to lift the restrictions in the blocks on Page boulevard, and in which district Bush has recently sold several pieces of property. Bush wrote: "This was a step in the right direction, and the members of the Exchange who voted for the proposition are to be commended—but the referendum did not go far enough."

Bush, in a letter to E. L. Kuhns make a survey of the situation, and in order to remedy it, "lift your restrictions on enough territory to meet the needs of one-eighth of our population." Clarence C. Lang, executive secretary, predicted action of the proposed idea at the January meeting of the directors.

St. Louisans Seek to Bar Race in Restricted Area

ST. LOUIS, Mo., Aug. 19—A suit was filed here last Tuesday in Circuit court to prevent owners of two houses located in the 4200 block of Evans avenue from selling or renting the premises to Race residents.

Seven property owners in the neighborhood signed their names to the petition restricting such disposition of the property until 1943.

HYLAND PARK SUB-DIVISION

A news story appeared in "The Observer," a small community paper published at Maplewood, Missouri, purporting to be a protest on the part of white citizens against Hyland Park, the Negro sub-division which is being promoted on Laclede Road in Maplewood.

Of course, we are not surprised to hear that there is a protest against this movement, regardless of whether there is any sincerity in it or not. Every move colored people have made to better their living conditions by going to more desirable residential districts has been opposed by somebody, if only by their own race. Therefore, we hope that the promoters of the Hyland Park sub-division will not in any way be fearful or dismayed because of the alleged objections. In fact, we are quite sure that there are little or no real objections to colored people building in this community, this land having been for sale to Negroes for the last fifteen years, and so far as we know there has been no previous objection on the part of white citizens.

The statement attributed to Mayor Martini in which the mayor of Maplewood is quoted as saying, "I do not believe there is room for what would unquestionably be a race-segregated district. Such a condition would be harmful to the district itself as well as to the city at large," sounds to us like the "voice of Jacob" inasmuch as the colored people in Maplewood are, for the most part, in districts occupied only by their race.

Finally, we might add that if there is a movement to prevent Negroes from developing a site for low cost out in the county, that in itself should only be a stimulus to those interested and to those not directly interested to join hands and stand up for their rights as citizens of this state and community. If somebody does not make a move to gain some ground in new places in which we can house ourselves, then we must be satisfied to live in the crowded and slum districts and in dilapidated houses, much to the detriment of our moral and physical well-being.

Segregation - 1938

New Jersey

Forced From \$10,000 Home; Buys Another

(Special to Journal and Guide)

NEWARK, N. J. — Dr. Charles A. Johnson would make no comment Thursday when asked for a statement relative to his forced vacating of his \$10,500 colonial mansion at 360 Springdale Ave., following the Chancery Court order against him in February. He has since purchased and moved into an equally luxurious home at 408 S. Centre Street, next door to Mayor Walter B. Sayage of Orange, N. J.

Dr. and Mrs. Johnson were the victims of a new brand of residential segregation. Johnson and his realty agent, Abe Newman, were accused by the Seven Oaks Realty Company, sellers of 360 Springdale Ave., of fraud because they used a "dummy" white couple Mr. and Mrs. Axelroth to effect the purchase.

NO COMMENT

Johnson said Thursday: "There is no comment. I simply moved, that's all."

The dentist's actual moving confirms the recently published story that he would not appeal the ouster action. In February he pointed out that costs of an appeal would be too excessive to be borne by one man. At the time it was expected some local organization would take up the fight, but this was never done. The Newark N. A. A. C. P. stated that it was not officially interested in the case.

Vice Chancellor Berry went back two centuries into the common law of England for the basis of his decision. He said the color issue was not present, only the issue of fraud. He said if the color issue were involved he would not hesitate to rule in favor of the defendants.

At the time Dr. Johnson charged the Colgate and Co., cosmetic and soap manufacturers of Jersey City controlled the Seven Oaks Realty Company and were back of the fight to oust him. He also charged political motives in the fight. Jack Neubauer, agent of

the Seven Oaks, represented their interests in court.

At the hearing it was brought out that realty agents had considered property as saleable to Negroes when other colored live in that block.

DOCTOR FIGHTS OUSTER FROM HIS \$10,500 HOME

NEWARK, N.J.—Dr. and Mrs. Charles A. Johnson of East Orange staged a court battle on Monday before Vice Chancellor Berry against possible ouster from their \$10,500 home in East Orange on account of their race.

The Seven Oaks Realty Company, which sold the property at 360 Springfield avenue, to a white dummy couple employed by Dr. Johnson's agent, charges that the Johnsons practiced fraudulent deceit by concealing their race. A decision is expected this week.

Charles Houston, member of the NAACP legal staff, sat in on the case as an observer. Despite Vice Chancellor Berry's statement that racial segregation and exclusion are not in the case, Mr. Houston contended that race is the only factor.

Charges Fraud

Jack Neubauer, official of the realty company, contended that Abe Newman, white broker, used Mr. and Mrs. Nathan Axelrod of Verona as dummies solely because he wanted to hide the racial identity of his clients.

Newman and Dr. Johnson took the stand to insist that they did not expect any opposition to the transaction on account of race.

They held that Dr. Johnson wanted to act secretly because the owner of the property where he has his offices would raise his rent upon learning that he was moving into a swanky neighborhood.

Paid \$4,500 Down

Dr. Johnson paid \$4,500 down on the property through the dummy purchasers, and took possession shortly after the transaction was completed on February 8, 1937. Colored people live elsewhere on the street, but not in the immediate vicinity of the Johnsons' home.

When reminded that the U.S. Supreme Court had upheld some restrictions on residence because of color, Vice Chancellor Berry said that no such case had been decided in that manner in New

Jersey. He said that he was not certain whether he would be bound by any Supreme Court decision.

No Pact to Consider

In this case Vice Chancellor Berry will not be faced with ruling on legality of a color bar pact. The plaintiff admitted that there was no restrictive agreement regarding the property.

Among the spectators in the court on Monday were Mrs. Charles A. Johnson, wife of the defendant; Charles A. Johnson, Sr., his father; Mrs. Charles Houston, wife of the N.A.A.C.P. attorney; Mrs. W. H. Washington, wife of a physician;

Miss Lillian Anthony of the N.A.A.C.P.; James Miller, Melvin B. Johnson, Arthur Hardy, Mr. and Mrs. Henry Collins, the Rev. Louis Berry, and Mrs. A. E. Whiting, realtor.

EXPECT DECREE IN SUIT TO OUST NOTED DENTIST

Attempt to Force His Removal Rouses Deep Concern

2-26-38

Civic leaders and social bigwigs of New Jersey awaited with deep concern this week—an expected decision from Newark's Court of Chancery—as to whether or not a Negro could legally live in a \$12,000 home, purchased nearly a year ago by the socially prominent Dr. Charles Johnson of East Orange.

One of East Orange's most successful dentists, Dr. Johnson is reported to have an ancestry which dates back to the landing of the Mayflower. He is a native of Boston and a graduate of Howard University, it is said.

Proceedings, to void the original

transaction of a year ago, are being heard by Vice-Chancellor Berry who intimated Monday that he would be guided in the matter by a previous decision of his own, rendered some years ago.

The complaint against Dr. Johnson charges that the home, which is located in exclusive Springfield avenue, was bought through the use of deceptive methods. Original owners of the property, the Seven Oaks corporation, and the real prospective purchaser never met until after the deal was closed, the complaint concluded. Such action, argued lawyers for the white concern, constituted fraud.

Dr. Johnson's lawyers, Nathan Kussey and Herbert Ellend, replied that the white concern didn't become interested in charges of fraud until neighbors protested to Seven Oaks Corp., that a Negro family was living in the house. That, they contended, was the rankest kind of race prejudice.

Vice-Chancellor Berry ruled that the action was not based on race and would therefore be decided on whether or not the purchase was made by the use of fraudulent tactics. A final decision is expected by Friday morning.

Presence of William C. Hueston, famed N. A. A. C. P. attorney, at defense counsel's table, led to reports that a national boycott against Colgate cosmetic products would be started. The Colgate concern, Dr. Johnson said, controls the Seven Oaks Corp.

Mr. Hueston, however, shrugged his shoulders in denying such a suggestion. "This is just another instance of the hell Negroes have to go through for better conditions," he said. "And while I am not a member of the defense staff, we naturally must observe with the keenest sort of interest, cases of this kind."

Other testimony in the hearing Monday, revealed that the purchase was finally made for \$10,500—half of which was paid in cash. Albert Newman, star witness for Dr. Johnson and negotiating broker, testified that agents for Seven Oaks never

bothered to inquire about the color of his client, and he didn't bother about telling.

New Jersey Doctor Forced To Move From East Orange Home Because Identity Was Concealed When House Was Purchased Through Broker.

NEWARK, N. J., March 3—A wealthy race physician has just been forced by a Chancery Court here to relinquish title to a \$10,500 mansion which he bought last year in an exclusive white community in East Orange, because the broker, who represented him in the deal, did not inform the owners that the purchaser was a person of colored descent.

Vice-Chancellor Berry delved back two centuries into the history of English jurisprudence for his ruling against Dr. Charles W. Johnson and Albert E. Norman, a white broker, who were jointly charged with intentional fraud by the rich Seven Oaks Realty Company. The ruling ordered Dr. Johnson to accept return of his \$4,500 down payment and ordered Newman to refund his five per cent brokerage fee to the realty company.

Color Not Involved

"I want it distinctly understood," Chancellor Berry said in his ruling, "that the fact that this defendant is colored does not influence this decision in the slightest degree. It is unfortunate that what may be the real motive in this case (color) is not a material issue. It may well be thought that the complaint would not have been made if the defendant were of the white race, but we can't assume this."

The court referred to an 1880 ruling which said that "The broker is bound to disclose to the principal the identity of the purchaser." Chancellor Berry declared that Newman, in the present case, should have known that such identity was a material fact. The case referred to, he pointed out, also held that the purchaser was in collusion with the broker by concealing identity.

The Chancellor also cited the case of Phillips versus Duke of Buckingham, which he took from Henry Ballou's Treatise of Equity published in 1737. In this case the court showed that English common law called for the voidance of the lease or deed in cases where fraud was established. He said New Jersey was bound by this ancient ruling because it had inherited this law when it seceded from England.

Previously a packed courtroom had listened with bated breath to an eloquent and detailed dissertation by Charles A. Houston, special counsel for the National Association for the Advancement of Col-

Chancellor Berry ruled that in the present case, the biggest question was one of honor. In respect to Dr. Johnson and Newman, there was no effort to sneak into the house. He bought the house from a sole motive of self-respect and a desire to improve himself. He overcame handicaps, and educated himself at schools in Cambridge, where he was not aware of a difference in color. It was the Chancellor's opinion that the defendant did not move into the neighborhood because he wanted to be near white people, but merely to find the kind of house he wanted, and that the house and the agent were recommended to him by the chief of staff at Beth-Israel Hospital, "a white man of high standing." If the complaint were based on color alone, the court said, it would have been dismissed, "but the decision I am about to make would have been the same if Dr. Johnson had been a white man."

Where to Live?

ANOTHER NEGRO has been forced out of his home by the prejudice of white persons. This time it was in East Orange, N. J., where Dr. Charles Johnson, prominent dentist, was accused of purchasing his home in a white neighborhood by fraud. He was said to have bought his \$12,000 home through a white real estate agent without letting the owner know that he was a Negro.

Maybe he did. And maybe he had other reasons to do so that were not fraudulent. But even if he did intend to buy the house without letting the owner know that he was a Negro for fear that the owner would refuse to sell, the doctor should not be condemned. Rather, the system in America which demands that Negroes, in both the North and South, must live in restricted, unhealthy and dilapidated neighborhoods should be condemned. And such conditions make it necessary, unfortunately, for Negroes to use subterfuge occasionally to get decent, habitable places in which to live.

Federal housing won't solve the housing problems of Negroes like Dr. Johnson. The only solution for them is enlightened and human interpretation of laws concerning realty covenants and other ruses engineered to prevent Negroes from living in certain neighborhoods. Or else the abolition of such covenants by law.

We know a Negro who bought a home in a Westchester town. The first day he and his wife moved in a delegation of local whites called on him to demand that he move. The Negro proved to be so much more cultured and educated than some of the whites who called to force him out, and he was so much better off financially that these whites actually became ashamed and left with their heads hanging low. Now, the Negro and his wife often find it difficult to keep some of their white friends in the community out of their home!

Dr. Johnson was nominally forced by law to give up his home. But it wasn't law. It was blistering prejudice perpetrated by narrow-minded whites, some of whom are probably not Americans. The fight for civil liberties in this country has not begun. It can only get under way when the kind of law and hate that sent Dr. Johnson back to the other side of the railroad track are obliterated.

E. Simms Campbell Loses

White Plains Court Plea

WHITE PLAINS, N. Y. — Justice Graham Wierschief on Tuesday rejected an application by E. Simms Campbell, celebrated Negro artist, to compel mortgage trustees to sell a 12-acre estate in Mount Pleasant to him for \$18,500.

Through his counsel, Arthur Garfield Hayes and Hubert T. Delany, Campbell contended that the property was advertised recently at \$16,000 but that trustees of the estate, in an effort to get more money for it when they discovered he wanted to buy it, started bidding against him and that the bidding had gone up to \$35,000.

"I would look upon it as a squeeze play. It was just a question of bidding and there was no trouble on the color phase of it," Campbell told The New York Age. The property, at Bedford and Saw Mill River roads, is near land owned by the Stillmans, Rockefellers and Choates.

Tenants Defeat Bank's Attempt to Evict 18 Negro Families From East Side Homes

UNION FORCES TITLE GUARANTEE AND TRUST CO. TO WITHDRAW NOTICES TO VACATE TENEMENTS ON EAST 13TH ST. AFTER SWIFT CAMPAIGN

An attempt to evict 18 Negro families from 635 E. 13th St. and rent the apartments to white families was foiled by the East Side Tenants' Union yesterday when it forced the Title Guarantee and Trust Co. to withdraw dispossession notices.

The Negro tenants were informed by mail that they would have to vacate the apartments by Aug. 20. A delegation from the tenants' organization to the trust company's renting office, H. C. Hillyer and Company, brought no results.

The East Side Tenants' Union challenged the renting agency's claim that the building was to be renovated, pointing out that the Negro families were living there when the stairways were renovated. The Title Guarantee and Trust Co. was accused of trying to oust the Negro families and rent the apartments to white families at higher rents after complying with the provisions of the Multiple Dwelling Act.

A second delegation and a post card campaign protesting the evictions finally forced the company to withdraw dispossession proceedings.

The East Side Tenants' Union announced that it would oppose any eviction of Negro families by landlords failing to comply with the law who hope to increase rents to white families after the buildings have been renovated.

A victory mass meeting was scheduled for last night before the building, where speakers from the East Side organization and its parent body, the City Wide Tenants' Council, were to speak. Vernal Williams, Negro attorney for the city-wide organization, was to be the main speaker.

Segregation - 1938

New York

A.L.P. Protests Negro Eviction On East Side

**Joins Groups Fighting Threatened Eviction
of Negro; Officials Join Picket Line;
House Tenants Protest Bias**

American Labor Party officials yesterday joined in protesting the discriminatory renting policy on the lower East side, rallying to the defense of John Winters, Negro, who faces eviction from 7 St. Marks Place after living there for five years.

The East Side Tenants Union in the house. After living at 7 St. Marks Place for five years, he was suddenly handed an eviction notice. The white families in the tenement have signed a petition addressed to the landlord, the Poughkeepsie Holding Corp., 250 W. 57th St., requesting the company to abandon its threatened eviction proceedings against the owners of Negro discrimination.

A picket line led by Swerdling marched before the house yesterday morning calling on the landlord to withdraw the dispossession notice. Leonard Wacker, attorney for the City-Wide Tenants Council, parent body of the East Side Union, also picketed the house.

Vladeck, in a letter to the Union, declared that "there is no reason in logic or fairness why the Negroes should be confined to a ghetto and I shall be glad to support you in any movement to break down the barriers against members of any race in the City of New York."

NOT HITLER GERMANY
Swerdling said that the rights of minorities must be protected, regardless of race, color, creed or nationality. "This is not Hitler Germany."

Other public officials who backed the union's fight include Meyer Goldberg, Assemblyman from the 6th A.D., who is sponsoring a bill outlawing discriminating renting or charging of higher rent because of race, color or creed, and William Andrews, Harlem Assemblyman.

Discrimination was even extended to a Negro ice man who was not permitted to service the white families who moved in and Negro children were not permitted to play in front of the houses, Pauline Rogers Communist candidate for Assembly from the 5th A. D., who led the picket line, charged.

The pickets who were aided by the Negro families on the street protesting the discriminatory jim crow policy, announced that they would return if Negro families were refused permission to move into the house.

Colored Americans Forced Into Black Ghettos, Is Report

**Rigid Residential Segregation
Upon Negroes by Federal Housing
Authority Revealed by NAACP**

NEW YORK—(SNS)—The Federal Housing Authority was discovered this week to have definite rules which enforce rigid residential segregation upon Negroes.

The National Association for the Advancement of Colored People has secured a copy of "Underwriters Manual" issued by the FHA which, in effect, prevents Negroes from securing guaranteed mortgages in any except strictly "Negro districts."

Two months ago the N. A. A. C. P., which had had complaints about FHA mortgages, wrote to Washington and was assured that there were no rules discriminating against Negroes.

However, persistent complaints from the Jamaica, L. I., branch uncovered the fact that the FHA has in its "Underwriters Manual" a rule which prohibits the guaranteeing of a mortgage on a Negro home in a neighborhood which is considered "white."

The FHA has turned down Negro home buyers in neighborhoods where as many as 30 per cent of the residents are colored people, according to the N. A. A. C. P.

In Jamaica, the FHA local ad-

well as implanting patterns of race segregation in communities where it was unknown, the N. A. A. C. P., has sent a strong protest to Stewart McDonald, director of the Federal Housing Authority.

The N. A. A. C. P. points out that in Jamaica, L. I., for example, a Negro now located in an area which has been taken over for slum clearance for Negroes wishes to build elsewhere. But the "Negro" district is full and he is not able to secure a FHA mortgage in either a "white" or "cushion" district. Therefore, he is unable to secure government assistance in building a home.

The N. A. A. C. P. also points out that the prosperous Negroes of the country who may wish to build fine homes are prevented from doing so with FHA assistance because the amount they are willing and able to invest in a home is greater than the amount permitted in the average "Negro" district.

Suppose the homes in the average colored area are valued at \$3,000. A colored man who wishes to build a \$10,000 home would not be granted FHA assistance for this area. Neither would he be permitted to build in a \$10,000 area inhabited mostly by whites. The only way he could solve his problem would be to build a three or four thousand dollar home in the Negro district or to try to secure private financing for a more expensive home in a so-called white area.

CHARGES MADE

The N.A.A.C.P. letter charges that the Federal Housing Authority is using the public tax money of all citizens to force Negro Americans into black ghettos.

"This policy is a definite discouragement to Negro citizens who wish to improve themselves and secure better housing and better environment for their children," the letter stated. "Colored people have been branded as slum-dwellers without ambition to live in good houses and yet when they seek better housing, they are told by the government that they must remain within certain areas."

The N. A. A. C. P. letter de-

PROTEST LODGED

Branding the FHA as enforcing racial residential segregation

mands the cancellation of Section 233 of the "Underwriters Manual" of the FHA and the establishment of a policy of guaranteeing mortgages for colored people on the same basis as mortgages are guaranteed for whites

Rigid Rule Is Assailed

Journal
**Limits Amounts
and Funds
Negro Borrowers**

Able To Secure

12-31-38

NEW YORK, N. Y.—The Federal Housing administration was discovered this week to have permitted rules which enforce rigid residential segregation upon Negroes.

The National Association for the Advancement of Colored People has secured a copy of "Underwriters Manual" issued by the FHA which, in effect, prevents Negroes from securing guaranteed mortgages in any except strictly "Negro districts."

Two months ago the N. A. A. C. P., which had had complaints about FHA mortgages, wrote to Washington and was assured that there were no rules discriminating against Negroes.

However, persistent complaints from the Jamaica, L. I., branch uncovered the fact that the FHA has in its "Underwriters Manual" a rule which prohibits the guaranteeing of a mortgage for a Negro home buyer in a neighborhood which is considered "white."

The FHA has turned down Negro home buyers in neighborhoods where as many as 30 percent of the residents are colored people, according to the N. A. A. C. P.

ADMISSION MADE

In Jamaica, the FHA local administrator admitted to Thurgood Marshall, N. A. A. C. P. attorney, that in each city the FHA has marked out certain districts as white and others Negro. Any areas between the two districts are known as "cushion" districts.

No Negro is granted a guaranteed mortgage in the white neighborhoods and no white person is given a guaranteed mortgage in the Negro neighborhoods. In the "cushion" area, neither race may secure a FHA mortgage, although if home buyers are able to secure a mortgage from a bank or loan

company, they may do so.

Branding the FHA as enforcing racial residential segregation as well as implanting patterns of race segregation in communities where it was unknown, the N. A. A. C. P. has sent a strong protest to Stewart McDonald, director of the Federal Housing Authority.

POLICY ASSAILED

The N. A. A. C. P. points out that in Jamaica, L. I., for example, a Negro now located in an area which has been taken over for slum clearance for Negroes wishes to build elsewhere. But the "Negro" district is full and he is not able to secure a FHA mortgage in either a "white" or "cushion" district. Therefore, he is unable to secure government assistance in building several months ago, voted \$30,000 as the city's share of the first unit estimated to cost approximately \$81,000.

The movement to secure the project designed to be used jointly as a school facility and a community center, began in the summer of 1936. Approval of the director of public welfare, city manager, school board, and city council were secured successively after continuing negotiations between them and a committee of interested colored citizens, headed by P. B. Young, and organized at the suggestion of Mayor W. R. L. Taylor.

Earlier this year Council applied for and secured a WPA grant, voted approval of the three-unit project as detailed in the then City Manager Thompson's report and recommendation, and passed an ordinance appropriating \$30,000 as the city's share of the first construction unit.

Segregation - 1938

Ohio.

Mystery Bombing of Cleveland Dr. Home Is Probed

Free

CLEVELAND, O., Sept. 1—An immediate investigation was promised in the mysterious bombing of the palatial \$35,000 home of Dr. L. O. Baumgardner Sunday night about 10:30 o'clock. The doctor is an outstanding physician and surgeon on the staff of Cleveland City hospital, had recently purchased the home at 1404 Wilmira road, Cleveland Heights.

He and his family had moved into the residence, in an exclusive section of the fashionable suburb last Monday week. A bomb, thrown by a person or persons who escaped before being detected, tore a large hole in the newly seeded lawn, broke four windows in the doctor's home and uprooted the shrubbery. Windows were shattered in other residences in the neighborhood, and residents of the entire neighborhood were aroused by the blast.

Probe Promised

Mayor Frank C. Cain refused to comment on the bombing, stating that he had not been informed of the facts surrounding the case. He promised an immediate investigation, however. Residents on the street are opposed to Negro neighbors, it was revealed, and many see the bombing of the doctor's home as an attempt to intimidate him. The occurrence marked, however, the first time anyone has dynamited the home of a colored family in the suburb. Several school teachers, business and professional men of the Negro group have been residents there, and none have been disturbed or threatened.

Although the doctor, his wife, his father-in-law and two children were in the house at the time of the explosion, none were injured. Dr. Baumgardner stated that he had asked for police protection and expected to remain in the new home, which he purchased a year ago, regardless of what happens. He has lived in East Cleveland for 14 years or more and is a prominent and highly respected citizen.

Negro Housing in Oklahoma City

Black Dispatch
We agree with the Oklahoma City Times that winning of the recent segregation fight in the state supreme court, by citizens living on East Sixth Street, in which the high court held that plot restrictions entered into by white citizens in an Oklahoma City block did not meet constitutional requirements, does not fully meet the vital issues involved in the fight made the Negroes in Oklahoma City to natural expansion and freedom of movement. The unnatural pressure being made towards the north will continue in the second ward until some sensible, sympathetic plan is worked out to give more residential space to the growing Negro population of Oklahoma's capital city.

A definite approach to the real problem would be met if city governments and all of its agencies would recognize the fact that a new and substantial addition is imperative and necessary. Up to date all that is said about a new area for colored is based upon academic and theoretical observations. We have seen no published figures which show the actual condition as it is. It is for this reason we are going to publish a portion of a survey made by the Oklahoma City Real Estate Board for this year, which shows the congested housing condition in the Oklahoma City Negro community.

Here is their statement:

5-28-38

	Colored Residential Property			New For		Pct.
	Total	Occupied	Vacant	Sale	Vacant	
Single family houses.....	1894	1875	19	0	1.0	
Two family houses	461	453	8	0	1.7	
Apartments	339	321	18	0	5.3	

No colored person prepared those figures. The above is taken from a cold blooded, careful analysis made by white men who study annually the housing condition in Oklahoma City. It can be safe to say that the above are dependable figures.

Oklahoma City
This report shows that with only one per cent of the total Negro area vacant no new homes are being erected in any of the three types of housing designated in the survey. The report does, of course, show that in some of these homes far too many human beings are residing if health conditions are to be recognized in Oklahoma City.

Social workers report that in many instances three and four families are crowded into space sufficient for only one family. In a recent expose by a welfare worker it was shown that nine people were sleeping in one room. This is not a proper condition for either health or morals.

To meet this issue a Negro citizen, Mr. W. J. Edwards, has purchased a new addition. To date he has spent more than \$31,000 on the purchase and improvement of the land. If the same type of assistance is given this citizen in making available federal long time loans for home builders as is given to other areas being developed for whites in Oklahoma City, this addition can be quickly developed into what it ought to be.

If prospective Negro home owners in the Edwards addition could be provided with the small payment plan and low interest charges of HOLC, in the next 24 months this addition would be filled with happy home owners and tax-

payers. Here is an opportunity for the folk who cut the pattern of our lives in Oklahoma City to show their liberality and fairness by endorsing a definite plan to do something about housing conditions for Negroes.

Several abortive efforts have been made by real estate men to propose plans covering Negro housing, but every effort seems to die aborning. The Edwards project is something definite. It represents an investment of Oklahoma City capital which should be protected. It is the challenge to those who say something should be done regarding the crowded, unsanitary, immoral conditions forced upon black citizens in congested areas of Oklahoma City.

The last federal census showed that there were in Oklahoma City 14,662 Negroes. This survey was made before the oil boom had added so many white and black citizens to our population. It is safe to say that fully 20,000 Negroes now claim Oklahoma City as their residence, and as the Oklahoma City Times said recently, Oklahoma City must "get its head of the sand" and recognize this fact.

Problems of health are not really Negro problems in this or any other community. The wind does not cease its influence at ward lines. If by crowding and congestion in the Negro area disease germs are bred, they will be carried in the air into the white section. The health of no one individual or class is fully and properly protected until all class and groups are given succor. The condition of which we complain may be easily corrected if steps are taken in the direction indicated here. It is not a Negro problem but rather a matter which should receive the serious concern of all who desire to see Oklahoma City advance.

House Marred And Windows Are Smashed

Daughter Of Clergyman
And Husband Were At
Church Services

POLICE GUARD HOME

Attack On Recently Pur-
chased Home Night
After Pair Moved In

A mob of white vandals, who struck swiftly and riotously, damaged the newly purchased home of Mr. and Mrs. Samuel Brown, 5914 Thompson street, last Sunday night.

Incensed because the colored couple moved into the neighborhood, the mob attacked the house while the snow storm raged. Windows were broken, a side of the house was marred, and furniture in the kitchen and dining room was damaged by well-aimed bricks and milk bottles hurled by the unidentified attackers.

Both Mr. and Mrs. Brown were away from home at the time. They were attending evening services at Reeve Memorial Church, 56th and Aspen streets, where Mrs. Brown's father, Rev. George F. Edison, is pastor.

The couple, both teachers in the public school system, Brown, an art instructor, and his wife a grade teacher at Walter George Smith, 19th and Wharton streets, were recently married. They purchased the house a few weeks ago and moved in last Saturday.

They left home about 3.30 Sunday afternoon, returning at 10 o'clock. All the windows on the first floor were smashed and the furniture scarred and broken.

When notified of the incident, police at the 61st and Thompson streets police station assigned a patrolman to patrol the immediate vicinity 24 hours a day.

Segregation - 1938

Memphis, Tenn., Commercial Appeal
September 26, 1938They Live 30 Years on Vance,
Want No Negro Houses There

By ST. JOHN WADDELL

Two sisters, who have lived for 30 years in one of the fine old mansions on Vance, are not going to accept the city's decision to put a negro housing project across the street from their home without fighting back.

They are Miss Lyda Hewitt and Miss Kate Hewitt. They are as typical of the Old South as spoon bread, and live in a high brick house whose paneled parlors and dining room are full of the furnish-

ings that folks—real folks—used to have sent here from Europe. The air of their house makes every opening of a door a promise that the coming in it will be wearing a gray uniform.

If you think that what Miss Lyda Hewitt and Miss Kate Hewitt think about civic affairs has no weight, you are going to meet the surprise discovery that these sisters, in their quiet, old-fashioned way, can bring to bear just about as much influence from prominent citizens as anyone in Memphis.

As evidence: Their house, at 480 Vance Avenue, well preserved, comfortable, Vance, on the north side of the street, is in a block of similar houses. The finest in town, when they were built, and many of them still lived in—not just "occupied"—

by folks who have been there for a quarter century or more. So the sisters started talking to their neighbors, and to former neighbors who have moved to other neighborhoods.

Yesterday afternoon they had completed a petition to the city protesting against the boundaries of the proposed negro housing area. Signed to the document were such "top" Memphis names as H. C. McKellar, Dr. E. M. Holder, Arthur Taylor, John Robilio, Mrs. J. W. Pennell, Mrs. S. J. Mooney, R. C. Hunting and Battle M. Brown.

And the total number of signatures, most of them just as prominent, was well over 100 when the petition went into the mail to Mayor Overton.

Miss Lyda Hewitt and Miss Kate Hewitt drew the petition themselves. It read:

"To the Honorable Mayor Watkins Overton and City Commissioner and the Memphis Housing Authority.

"Gentlemen:

"We, the undersigned petitioners

Memphis White Women Are "Worried Sick" By The Negro Housing Project

MEMPHIS, Nov. 17 (ANP)—

White women now living in the vicinity are "worried sick" over the proposed general housing project for negroes, a committee told the Memphis Housing Authority Wednesday morning, Sept. 17.

"We ask you to consider another location, farther south, where the negroes would have educational advantages of private as well as public schools, and closer proximity to the proposed swimming pools and recreation parks.

"Should the present proposed location still be selected, we suggest that Vance Avenue, be left intact, the slum living quarters protected from the noise and traffic of the main thoroughfare, and the square from Lauderdale to Wellington south of Vance, have the same setback, 150 feet or more, you have provided for the square west of Wellington; and leave the building on the south side of Vance, inings on the south side of Vance, from Wellington to Lauderdale, as they are.

"This square is the most expensively built, attractive square on Vance Avenue, well preserved, comparatively new, modern and well maintained, with the exception of two houses, and they have been well kept up.

"Consequently we wish these apartments, groceries and improvements left for the convenience of everyone. The damage to the residents on the north side of the street, who have had their homes there for years and a heavy front foot assessment, is yet untold. The damage to the value of Grace Church, at Vance and Lauderdale, First Baptist Church, at Lauderdale and Linden, and the noted St. Agnes Academy, does not seem to be considered."

More than a dozen women went to headquarters to protest. So excited were they that all talked simultaneously and it took two hours before officials could understand their protests. A decision was reserved until later.

Miss Lyda Hewitt, leader of the women, said worry over the project and the encroachment of Negroes had caused one death in the neighborhood and "is worrying the rest of us sick." Another woman offered to sell her house to any housing authority member who wanted it, and said President Roosevelt ought to be told about the situation. The committee asked that the project be moved back 200 feet so that the prospective homes would not be across the street from the whites.

Segregation - 1938

Virginia
6

18 Va. Families Face Ouster for White "High"

CHARLOTTESVILLE, Va.—The homes of eighteen families here face destruction because the city plans to erect a \$500,000 white high school.

The families facing ouster, all property owners, have filed suit to block condemnation of their homes. The case is scheduled for a hearing here on Tuesday, October 25.

Construction is planned in Wine Cellar field, where the Kelly Stars play baseball.